

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:20-CV-179-FL

TIMOTHY O. HANKINS, SR.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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ORDER

This matter is before the court for review of plaintiff's pro se complaint (DE 1-3) pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Robert B. Jones entered memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended plaintiff's complaint be dismissed. (DE 17). Plaintiff did not file objections to the M&R, and the time within which to make any objection has expired. In this posture, the issues raised are ripe for ruling.

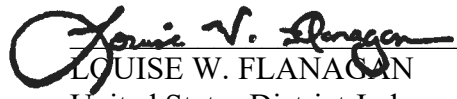
Upon a careful review of the M&R, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

Here, the magistrate judge recommends dismissal of plaintiff's claims due to failure to state a claim upon which relief may be granted. Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. The court hereby ADOPTS the recommendation of the magistrate judge as its own. As was done in the M&R, the court construes plaintiffs' later filings as "supplements to his proposed complaints." (M&R (DE 17) at 3 n.2). For the reasons stated therein, plaintiff's complaint is DISMISSED WITHOUT PREJUDICE.

In addition, to the extent that plaintiff's later filings seek action by the court (see, e.g., (DE 9) (entitled "Emergency Petitioner Rule 21 Writ of Mandamus"); (DE 11) (entitled "Emergency Petitioner for Relief"); (DE 15) (entitled "Motion for Appropriate Relief")), the court adopts the M&R's recommendation, and these motions are DENIED as moot in addition to lacking arguable bases in law or fact. Although not addressed in the M&R, plaintiff's motion for transfer of venue to the United States District Court for the District of Columbia (DE 16) also is DENIED as moot and, additionally, due to its lack of a cognizable legal basis.

The clerk of court is DIRECTED to close the case.

SO ORDERED, this the 24th day of September, 2021.


LOUISE W. FLANAGAN
United States District Judge